

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
January 27, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, Wayne Gilmore, Steve Harris(arrived at 5:10), Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Copelin.

Pastor Jaime gave the invocation, and Councilmember Clark led everyone in the pledge of allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written pulling CA-012 for separate consideration. Motion seconded by Councilmember Segarra. The motion carried unanimously.*

### **Consent Agenda**

**CA-15-009** Consider minutes of Regular City Council Meeting of January 13, 2015.  
One correction, the spelling of a name.

**CA-15-010** Consider a memorandum/resolution to revise the rules and regulations of the Killeen Arts Commission.

**Staff comments:** Dr. Ann Farris

Changes were made requiring grantees to provide a copy of their Form 990, to name the City of Killeen as an additional insured for liability insurance, to no longer utilize cash payments, and wording was added to further define social functions, parties, and receptions as events not eligible for art grants funding. City staff recommends that the City Council approve the attached Killeen Arts Commission Rules and Regulations, as revised.

**CA-15-011** Consider a memorandum/resolution to amend the architectural and engineering (A & E) professional services agreement with LS Johnston regarding the design of and renovations to the city owned building located at 101 E. Avenue D (also known as Cornerstone).

**Staff comments:** Stu McLennan

The agreement with LS Johnston needs to be increased by \$11,500. Staff recommends the city manager be authorized to amend the agreement with LS Johnston to facilitate the integration of HVAC and electrical energy efficiencies into the design of the city owned facility located at 101 E Ave D, Cornerstone.

- CA-15-012** Consider a memorandum/resolution expressing official intent by the City to reimburse certain costs related to solid waste vehicles and street grading vehicles.

**Staff comments:** Karen Evans

A reimbursement resolution will allow the City to expend funds for the procurements and projects identified and then be reimbursed for those expenditures as the proceeds from the Limited Tax Notes are received. When proceeds from the sale of the Limited Tax Notes are received, amounts that have been advanced from the Solid Waste Fund and General Fund will be repaid to the Solid Waste Fund and General Fund, respectively.

Staff recommends that the City Council adopt the attached resolution.

*Motion was made by Councilmember Segarra to approve CA-012. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Okray in opposition.*

- CA-15-013** Consider a memorandum/resolution the purchase of thirteen (13) trucks for the Solid Waste Division.

**Staff comments:** Frank Tydlacka

The 2014 Solid Waste Master Plan and Rate Study conducted by SCS Engineers recommends a fleet replacement program (FRP) that will sustain the Solid Waste fleet while reducing maintenance and acquisition costs. FY15 funds were budgeted to initiate these purchases in two Solid Waste accounts at \$250,000 each: SW Commercial and SW Residential acct. Staff recommends the purchase of the thirteen (13) vehicles.

*Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 9, 10, 11 and 13, as presented. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

## **Public Hearings / Ordinances**

- PH-15-005** HOLD a public hearing and consider an ordinance requested by Mun Kum (Case #Z14-42) to rezone Lot 10, Block 1, Purser Robinson Commercial Tract, from "B-5" (Business District) to "B-5" (Business District) with Conditional Use Permit (CUP), to allow for use as an impound yard. The property is locally known as 605 and 609 Priest Drive, Killeen, Texas.

City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT) TO B-5 (BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Property owner wants to use grounds for impound property. Staff notified twenty-four (24) surrounding property owners within the 200' notification area. Staff has received no protests. The Planning and Zoning Commission recommended approval (vote of 6 to 0) of the requested Conditional Use Permit with the following conditions: 1. That the CUP

is valid for a period of five (5) years; 2. No salvaging or dismantling is allowed on the premises as part of the CUP; 3. All existing screening shall remain in place. 4. To the maximum extent possible, pollution prevention measures shall be installed along the east side of the property to prevent run-off.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

*Motion was made by Councilmember Okray to approve PH-005. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

**PH-15-006** HOLD a public hearing and consider an ordinance requested by KNC Associates (Case #Z14-43) to rezone 23.983 acres out of the Robert Cunningham Survey, Abstract No. 158, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is located south of E. Central Texas Expressway, along the east right-of-way of Rosewood Drive.

City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Staff notified fourteen (14) surrounding property owners within the 200' notification area. Staff has received one response from Ruth Farer, the owner of 5012 Acorn Creek Trail, Killeen, Texas. The Planning and Zoning Commission recommended approval of the requested "B-3" (Local Business District) zoning by a vote of 6 to 0.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-006. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

**PH-15-007** HOLD a public hearing and consider an ordinance requested by KNC Associates (Case #Z14-44) to rezone 31.164 acres out of the Robert Cunningham Survey, Abstract No. 158, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is located south of E. Central Texas Expressway, along the west right-of-way of Rosewood Drive.

City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Staff notified sixty-eight (68) surrounding property owners within the 200' notification area and has received 3 protests and 1 response in support of the request. The Planning and Zoning Commission recommended approval of the requested "B-3" (Local Business District) zoning by a vote of 6 to 0.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

*Motion was made by Councilmember Okray to approve PH-007. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

## **Ordinances / Resolutions**

**OR-15-001** Consider an ordinance ordering a general election to be held on May 9, 2015 to elect a District Council Member for each District.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR EACH OF THE 4 DISTRICTS; PROVIDING FOR THE FILING OF WRITTEN APPLICATION TO HAVE THEIR NAMES PRINTED ON THE OFFICIAL BALLOT; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.**

**Staff comments:** Kathy Davis

This ordinance has been prepared calling the election for the purpose of electing a Council Member for each of the 4 Districts and designating the polling places and times. There will be cost-saving if KISD participates in a joint election with the city.

*Motion was made by Councilmember Harris to approve OR-001. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**OR-15-002** Consider an ordinance amending Chapter 28 to establish the maximum speed limits of school zones for Dr. Joseph Fowler Elementary School.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX., MISCELLANEOUS RULES OF THE CITY OF KILLEEN'S CODE OF ORDINANCES BY ADDING MAXIMUM SPEED LIMITS FOR SCHOOL ZONES, PENALTY, AND NO CULPABLE MENTAL STATE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**Staff comments:** Scott Osburn

Dr. Joseph Fowler Elementary School is located at the intersection of Katy Creek Lane and Louise Lane, which is in the Landing at Clear Creek Phase II Subdivision.

It is recommended that school zones be established in these areas to ensure the safety of students walking to and from school. City staff recommends that the ordinance setting maximum speed limits for school zones be amended to include Dr. Joseph Fowler Elementary School.

*Motion was made by Councilmember Blackstone to approve OR-002. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Segarra, and unanimously approved, the meeting was adjourned at 5:41 p.m.

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Scott Cospers, Mayor

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Dianna Barker, City Secretary